

# Wichita Smoking Ordinance

It's here. It's the law. It's effective Sept. 4.

---

## FAQ

### **Q Is the ban comprehensive?**

No. Smoking is prohibited in places of business, but some businesses may obtain a permit to allow smoking.

### **Q Why isn't this a comprehensive ban?**

This ordinance reflects a compromise between business owners, people who choose to smoke and people who favor a total smoking ban. It provides protection from secondhand smoke for people under 18 as well as those who choose not to be exposed to secondhand smoke.

### **Q What is a place of business?**

Any for-profit establishment, including, but not limited to, restaurants, retail stores, offices, theaters, medical facilities, banks, bars, manufacturing plants, vehicle repair shops, public areas of hotels and motels, warehouses, daycares and home-based businesses – just about any enclosed building where the public may enter or where people work.

### **Q Where is smoking allowed?**

Businesses with appropriate signage may permit smoking:

- In any unenclosed, outdoor area which is at least 10 feet from any building entrance;
- In a designated smoking room which is permitted and inspected by the City of Wichita and in which people under the age of 18 are prohibited;
- At smoker-friendly businesses which are permitted and inspected by the City of Wichita and which do not allow any people under the age of 18 to enter;
- In hotel rooms, motel rooms, apartment residences and rental dwellings.

### **Q Who needs a permit?**

All business owners operating smoker-friendly businesses and businesses with smoking rooms (excluding residential units and nonprofit organizations) must obtain and annually renew a smoking permit. Certain businesses may be exempt from paying the permit fee.

### **Q How much does a permit cost?**

A smoking permit costs \$250. Businesses required to prohibit people under 18 from entering (such as a bar) do not have to pay the \$250 permit fee.

### **Q How is a permit obtained?**

By applying for a smoker-friendly business or smoking room permit at the Express Office on the first floor of City Hall, 455 N. Main. Smoking permit applications are also available at [www.wichita.gov](http://www.wichita.gov).



**How will the ordinance be enforced?**

- Voluntary compliance and self enforcement by business owners
- Response to citizen complaints by City staff
- Permits and inspections by City staff



**Who is not covered by this ordinance?**

Nonprofit organizations



**What is considered nonprofit?**

- Organizations established as nonprofit under state law
- Organizations qualified as a 501(c) under federal tax law
- Businesses not providing goods or services for money



**Why are nonprofit organizations not covered?**

Nonprofit organizations were not included in the definition of a place of business.



**Which signs are required or recommended?**

- “No Smoking” signs or the universal no smoking symbol must be posted at all building entrances and within all areas where smoking is not allowed **(required)**.
- “Smoking Permitted” signs designating outdoor smoking areas and the entrances of smoking rooms and smoker-friendly facilities must be posted **(required)**.
- “Smoking Room Available” entry signs advising patrons that a business has a smoking room may be posted **(recommended)**.

All three signs are available for use at [www.wichita.gov](http://www.wichita.gov).



**What are the penalties?**

Anyone violating Wichita’s smoking ordinance may be charged with a misdemeanor and may be fined up to \$500. This applies to business owners, managers and operators as well as members of the public. Smoking permits may also be suspended or revoked.



**How should violations be reported?**

To report violations as they are occurring, call the Wichita Police Department non-emergency line, (316) 268-4111.



**Should I call 911 to report a violation or complaint?**

No.

**For more information:**

- Go to the City of Wichita Web site at [www.wichita.gov](http://www.wichita.gov). The Web site contains the smoking ordinance, an informative brochure, quick facts, detailed information for businesses, printable signs, smoking permit applications and a secondhand smoke fact sheet.
- Call the City of Wichita Office of Central Inspection: (316) 268-4479; or call the Department of Environmental Services Food Protection and Tobacco Control Program: (316) 268-8351.